

note).

Based on his review of the record, the Magistrate Judge has recommended that Defendant Movie Gallery be dismissed as a party defendant in this action. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the Complaint, the record, and the Report and Recommendation of the Magistrate Judge, the court agrees that Defendant Movie Gallery should be dismissed. However, the last line in the first paragraph on page 7 of the Report and Recommendation which reads, "Under 28 U.S.C. § 1915A, federal courts are specifically directed to screen and dismiss prisoner complaints which fail to state a claim" is not adopted because Plaintiff is not a prisoner. Accordingly, except for the last line in the first paragraph on page 7 referenced above, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that the Movie Gallery is dismissed as a party defendant.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
February 22, 2006